

NOTICE OF SERVICE OF SUBPOENA

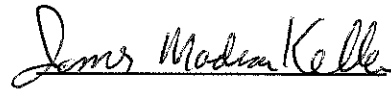
Attention:

Robert Oliver, Esq.
John Sorich, Esq.
Christopher Yoo, Esq.
Thomas Van, Esq.

Alvarado Smith, PC
1 MacArthur Place, Suite 200
Santa Ana, CA 92707

This serves as Notice to JPMorgan Chase Bank, NA, that a Rule 45 Subpoena has been served on The FDIC as Receiver for Washington Mutual Bank. A copy of the subpoena is attached hereto.

March 25, 2014


James Madison Kelley
pro se

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1 MacArthur Place, Suite 200
Santa Ana, CA 92707

RULE 45 Subpoena To The FDIC As Receiver for Washington Mutual Bank

All other Interested Parties served by PACER

James Madison Kelley
14390 Douglass Lane
Saratoga CA 950790
jmadisonkelley@gmail.com
(408) 402-1915

UNITED STATES BANKRUPTCY COURT

Northern

District of

California- Division 6

In re Debtor: James Madison Kelley

SUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODE

Case No. * 08-55305 ASW Adv. Case 10-05245

To: Federal Deposit Insurance Corporation,
as Receiver for Washington Mutual Bank
Suite 400,
25 Jessie Street, San Francisco, CA 94105

Chapter 11

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Documents specifying Washington Mutual Bank FA loan # 3018113559 or Washington Mutual Mortgage Securities Corporation Loan # 103446606 (see attachment for that specifically identifies the requested documents.)

PLACE

See Attachment for Instructions

DATE AND TIME

April 24, 2014

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER'S SIGNATURE AND TITLE

DATE

MAR 21 2014

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Christina Tabola, Intake Clerk
280 S. First St. #3035 SAN JOSE, CA 95113 408 278-7500

* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

Case: 10-05245 Doc# 383 Filed: 03/25/14 Entered: 03/26/14 16:32:58 Page 4 of 7

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

(c) Protecting a Person Subject to a Subpoena.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

The Receiver as successor in interest to Washington Mutual Bank is commanded to produce the following documents for the period from 7/26/2007 until receivership:

- 1) The Master Servicer Contract(s) between Washington Mutual Bank and Washington Mutual Mortgage Securities Corporation for the years 2007 and 2008.
- 2) The Contract(s) between Washington Mutual Bank and Washington Mutual Asset Acceptance Corporation for the years 2007 and 2008 (until September 26, 2008).
- 3) Documents showing the transactions between Washington Mutual Bank and Washington Mutual Mortgage Securities.
- 4) Documents that show that the Washington Mutual Bank FA loan # 3018113559 was in a portfolio pool (until September 26, 2008).
- 5) Documents that show that the Washington Mutual Bank FA loan # 3018113559 was in a trust.
- 6) Documents that show that the Washington Mutual Bank FA loan # 3018113559 was sold to any person(s) or entity(s).
- 7) Documents that show that the Washington Mutual Bank FA loan # 3018113559 was pledged to any person(s) or entity(s).
- 8) The source of the loss of \$436,503.26 reported in Exhibit C of Receiver's lawsuit against LSI Appraisal. Case # 11-cv-00706-JST-MLG, dkt #165, Filed 5/9/2011 in US District Ct. for the Central District of California. Exhibit C is attached.
- 9) Documents identifying the payor of the loss payment in 8 and to whom the loss payment was made.
- 10) Documents showing precisely when Washington Mutual Bank FA loan # 3018113559 was pledged and subsequently removed from pledge to the Federal Home Loan Bank of San Francisco.

Please deliver the documents on a memory stick or a CD to the following address:

Dr. James M. Kelley
14390 Douglass Lane
Saratoga, California 95070
jmadisonkelley@gmail.com
408 402-1915

3013904275	\$2,180,000.00/ \$250,000.00	\$975,153.59	7/16/2007	78 BARKERS POINT RD	PORT WASHINGTON	NY	Joan Rutherford
3014057230	\$1,875,000.00	\$564,940.46	7/16/2007	10 VINTAGE RIDGE DR	LAS VEGAS	NV	Thomas Mickovich
3014068674	\$1,345,000.00	\$536,482.55	7/17/2007	11375 DONA LISA DR	LOS ANGELES	CA	Robert Rodriguez
3017989991	\$1,040,000.00/ \$129,900.00	\$618,554.77	7/18/2007	140 SPANISH MARSH DR	ST AUGUSTINE	FL	Jama Lichtenwalter
3014098135	\$1,400,000.00	\$921,594.54	7/18/2007	6257 BRANFORD DR	WEST BLOOMFIELD	MI	James L. Valiquett
3014116671	\$2,400,000.00	\$989,105.13	7/24/2007	576 NEAPOLITAN LN	NAPLES	FL	Kathleen Coar
3014203073	\$1,500,000.00/ \$299,900.00	\$873,625.58	7/25/2007	36011 CALLE DE LOBO	MURRIETA	CA	Kimberly J. Mendell
775719784	\$2,400,000.00/ \$479,680.00	\$479,680.00	7/27/2007	768 TOZZETTI LANE	HENDERSON	NV	Eugenija Mueller
3014149425	\$2,850,000.00	\$1,029,552.31	7/27/2007	24059 N 113TH WAY	SCOTTSDALE	AZ	Rodney R Smith
3018027676	\$452,000.00/ \$56,400.00	\$271,422.17	7/27/2007	26885 WINTER PARK PL	MORENO VALLEY	CA	Joseph Wong
3018119762	\$479,000.00	\$819,209.33	7/27/2007	1062 LOWRY RANCH	CORONA	CA	Jason D. Stout
3018161913	\$1,040,000.00	\$435,286.50	7/27/2007	144 SPANISH MARSH DR	SAINT AUGUSTINE	FL	Jama Lichtenwalter
3018118566	\$1,200,000.00	\$414,374.04	7/27/2007	101 KING SAGO CT	PONTE VEDRA BEACH	FL	Jama Lichtenwalter
3018142426	\$6,750,000.00	\$898,738.99	7/27/2007	5800 HARDCRA88LE CIRCLE	MINNEAPOLIS	MN	John Bader
3017949763	\$1,715,000.00	\$905,183.04	7/27/2007	183 OCEAN VIEW DR	KEY LARGO	FL	Mark J. MacLaughlin
689457059	\$500,000.00	\$500,980.48	7/27/2007	10 HIDDEN PASS	NEWPORT COAST	CA	Sara Martin
3014274884	\$2,720,000.00	\$1,948,111.06	7/30/2007	12040 LANDOVER LN	FISHERS	IN	Judith Hunter
3017437710	\$900,000.00	\$461,536.20	7/30/2007	1057 and 1059 E Main St	SIMI VALLEY	CA	Jeffrey L. DeBrunner
3014076230	\$1,436,850.00	\$438,640.29	7/30/2007	511 WINDWARD PASSAGE	CLEARWATER BEACH	FL	Sherry Carlson
3013989003	\$1,190,000.00/ \$255,000.00	\$627,724.91	7/31/2007	2582 S SYCAMORE VILLAGE	APACHE JUNCTION	AZ	Steven T. Cody
3013849918	\$2,625,000.00	\$911,067.70	7/31/2007	211 ARI WAY	MIAMI BEACH	FL	A.A. Little
3018113559	\$2,992,265.00	\$436,503.26	7/31/2007	14390 DOUGLASS LN	SARATOGA	CA	Torunny Trout
730250016	\$535,500.00	\$354,492.55	8/3/2007	1010- 1010 1/2 S WASHBURN	CORONA	CA	Rolando Lazaro
3014148559	\$1,350,000.00	\$542,809.45	8/3/2007	4444 ALTON RD	MIAMI BEACH	FL	Rodriguez
767805836	\$500,000.00	\$503,416.60	8/8/2007	895 BAJA STREET	Laguna Beach	CA	Nelson A. Ruiz
3014260164	\$2,025,000.00	\$562,748.16	8/10/2007	1723 CASTELLANA RD	LA JOLLA	CA	William E. Reese
3018282784	\$2,480,000.00	\$452,319.85	8/10/2007	19201 BRIARFIELD WAY	TARZANA	CA	Craig M. Bellinger
3018153332	\$880,000.00/ \$107,900.00	\$280,430.16	8/13/2007	10601 VIA MILANO DR	FORT MYERS	FL	Francisco Ares
3014016434	\$1,347,500.00	\$496,044.09	8/13/2007	1738 HERON RIDGE DR	BLOOMFIELD HILLS	MI	Michael H. Nguyen
3018248934	\$960,000.00	\$448,917.95	8/13/2007	2969 VALLEY ST	CARLSBAD	CA	Cliff Bourland
3014227940	\$1,430,000.00	\$978,680.54	8/14/2007	5683 BRANFORD DR	WEST BLOOMFIELD	MI	Armen Khudobyan
3011838509	\$3,700,000.00	\$1,564,353.28	8/15/2007	4720 RIVERVIEW BLVD	BRADENTON	FL	Ashley Law McCann
							John McCann
							Stephanie M. Schuler
							Jan M. Brownell
							Kathleen A. Alan
							Jay A. Whitham